

ORDINANCE NO. 981210-J

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 92 ACRES OF LAND OUT OF THE THEODORE BISSELL SURVEY NO. 18 LOCATED IN TRAVIS COUNTY, TEXAS (REFERRED TO AS THE BRODIE SPRINGS AREA); AND APPROVING A SERVICE PLAN FOR THE ANNEXED TERRITORY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds that:

- (1) notice of two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed; and
- (2) the public hearings were held on November 5, 1998 at 7:00 p.m. and on November 19, 1998 at 6:30 p.m. in Council Chambers; and
- (3) the public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation; and
- (4) the annexation, for full purposes of the territory described in Exhibit A serves the interests of the current and future residents of the City of Austin; and
- (5) the Service Plan attached to this ordinance as Exhibit B was made available and explained at the public hearings as required by state law; and
- (6) all procedural requirements imposed by state law for the annexation of the territory described in Exhibit A have been met.

PART 2. The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which is annexed into the City for full purposes:

92 acres of land, more or less, situated in the Theodore Bissell Survey No. 18 in Travis County, Texas, which 92 acres of land, more or less, are to be taken into and made a part of the City of Austin, Texas County, Texas, and which land is more particularly described in Exhibit A attached to this ordinance.

PART 3. The Service Plan attached as Exhibit B is approved as the Service Plan for the annexed area.

PART 4. The City Council declares that its purpose is to annex to the City of Austin every part of the area described in Exhibit A as provided in this ordinance, regardless of whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to all of the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin, (2) presently part of and included within the limits of any other city, town, or village, or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

PART 5. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 6. This ordinance takes effect on December 31, 1998.

PASSED AND APPROVED

December 10

, 1998.

§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

Betty G. Brown

Betty G. Brown
Deputy City Clerk

EXHIBIT A

98 1210-5

C7a-98-006

Area to be Annexed

(92 Acres of land
out of the Theodore
Bissell Survey No.18
in Travis County,
Texas)

(Brodie Springs
Sections, 1, 2, & 3
and portion of
Squirrel Hollow Dr.)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR 92 ACRES OF LAND,
MORE OR LESS, SITUATED IN THE THEODORE
BISSELL SURVEY NO.18 IN TRAVIS COUNTY,
TEXAS, WHICH 92 ACRES OF LAND, MORE OR
LESS ARE TO BE TAKEN INTO AND MADE A
PART OF THE CITY OF AUSTIN, TRAVIS
COUNTY, TEXAS, SAID 92 ACRES OF LAND,
MORE OR LESS, BEING PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS
FOLLOWS:

BEGINNING at the intersection of the present corporate
limit line of the City of Austin as adopted by an ordinance
dated December 18, 1998 (Case No.C7a-98-010), which line the
south right-of-way line Squirrel Hollow Drive, with the
east line of the Southwest Travis County Municipal Utility
District No.1, and which point of beginning is the northeast
corner of Lot 19, Block D, Shady Hollow Section 4, a
subdivision of record in Book 84 at Page 101A-C of the Plat
Records of Travis County, Texas, for an exterior ell corner
of the herein described tract of land, same being a point in
the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the City of Austin, which line is the northerly prolongation of said east line of Southwest Travis County Municipal Utility District No.1, in a northerly direction to a point in the north right-of-way line of Squirrel Hollow Drive, same being an interior ell corner of the herein described tract of land;

THENCE continuing with the proposed corporate limit line of the City of Austin, which line is the north right-of-way line of Squirrel Hollow Drive, in a westerly direction to the southwest corner of the herein described tract of land, same being a point in the east right-of-way line of Brodie Lane;

THENCE, continuing with the proposed corporate limit line of the City of Austin, which line is the east right-of-way line of Brodie Lane, in a northerly direction to the northwest corner Block G, Brodie Springs, Section One, a subdivision of record in Book 95 at Page 34 of the Plat Records of Travis County, Texas, for the northwest corner of the herein described tract of land, same being a point in the present corporate limit line of the City of Austin as adopted by an ordinance dated December 10, 1992 (Case No.C7a-92-009), which line is the south line of Palomino Park Section 2, a subdivision of record in Book 24 at Page 27 of the Plat Records of Travis County, Texas;

THENCE, with the present corporate limit line of the City of Austin as adopted by an ordinance dated December 10, 1992 (Case No.C7a-92-009), in an easterly and southerly direction to the southeast corner of the herein described tract of land, same being a point in the present corporate limit line of the City of Austin as adopted by the aforesaid ordinance dated December 18, 1998 (Case No.C7a-98-010), which line the south right-of-way line Squirrel Hollow Drive;

THENCE, with the present corporate limit line of the City of Austin as adopted by an ordinance dated December 18, 1998 (Case No. C7a-98-010), which line the south right-of-way line Squirrel Hollow Drive, in a westerly direction to the point of beginning.

LEGAL DESCRIPTION: Al Martinez APPROVED:

10-29-98



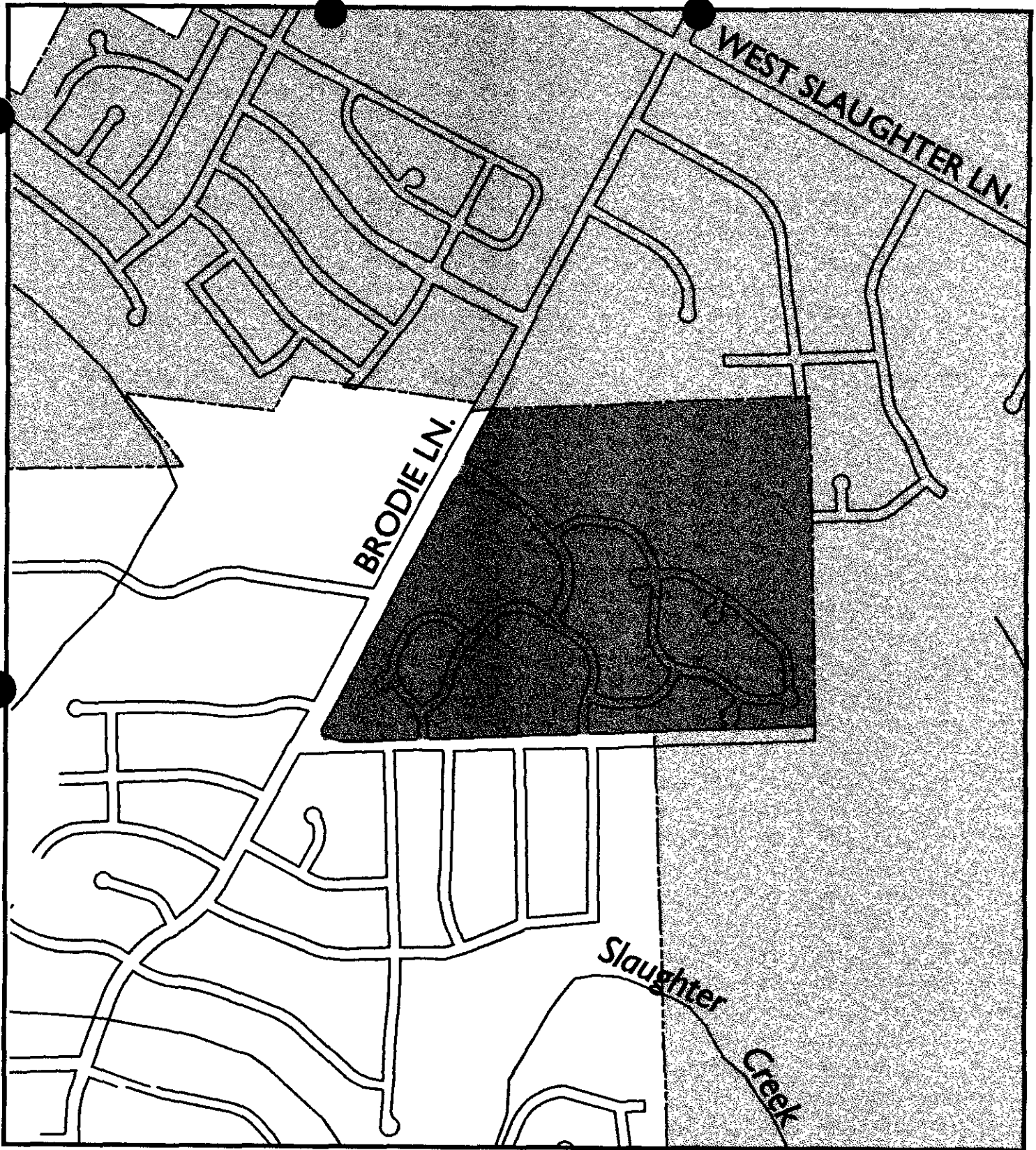
Ansel Gary Glover, RPLS NO. 4783
Engineering Support Section
Infrastructure Support Services
City of Austin

REFERENCES

TCAD 4 2830, 4 3030, 4 3028, & 4 2828
Austin Grid C & D14

C:\Program Files\Microsoft Office\FIELDNOTES\C7a98006.fns.doc

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Brodie Springs

C7a-98-006 Area to be Annexed

92 Acres of land out of the Theodore Bissell Survey No.18 in Travis County, Texas)
(Brodie Springs Sections, 1, 2, & 3)



Existing Full Purpose City Limit



Proposed Annexation Area

98 1010 5

EXHIBIT B

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CITY OF AUSTIN
ANNEXATION SERVICE PLAN

Case Name: Brodie Springs
Case Number: C7a-98-006
Date: December 4, 1998

INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation to the City of a tract of land ("annexation area") known as the Brodie Springs Annexation Area. The Brodie Springs Area is bounded by Brodie Lane on the west, Squirrel Hollow Road on the south and the existing City limits on the east and north. The area is located in Travis County, Texas. The annexation area is described by metes and bounds in Exhibit A which is attached to this Plan and to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A. The property is an undeveloped recorded subdivision.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services in accordance with State law.

The City reserves the right guaranteed to it by Section 43.056(h) Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

In General. This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to

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provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area within 60 days after the effective date of the annexation, unless otherwise noted.

a. Police Protection. The Austin Police Department ("APD") will provide protection and law enforcement services in the annexation area, commencing on the effective date of annexation. These services include:

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.

b. Fire Protection. The Austin Fire Department ("AFD") will provide emergency and fire prevention services in the annexation area, commencing on the effective date of annexation. These services include:

- fire suppression and rescue;
- emergency medical services first response for Austin Emergency Medical Services Department on life threatening medical emergencies;
- hazardous materials mitigation and regulation;
- emergency prevention and public education efforts;
- dive rescue;
- technical rescue;
- aircraft/rescue/firefighting;
- construction plan review;
- inspections;
- emergency management planning;
- rescue/hazardous materials unit.

These services are provided, on a City-wide basis, by over 900 employees operating from 36 emergency fire stations and other non-emergency sites. All Austin firefighters are certified by the Texas Fire Commission.

The closest AFD station to this area is AFD Station 29, located at 3704 Deer Lane.

AFD serves as the first responder on life threatening medical emergencies for Austin EMS. All AFD personnel are certified at an Emergency Medical Technician ("EMT") level or higher. All pumpers, ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

c. Solid Waste Collection. The Austin Solid Waste Services Department will provide solid waste collection services in the annexation area. The area is uninhabited. If necessary, services

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will be provided by City personnel or by solid waste service providers under contract with the City. Services currently provided in the City for single family residences include:

- garbage collection - once per week cart collection in accordance with City pay-as-you-throw guidelines;
- recycling collection - once per week curbside recycling collection for residential customers, materials collected include newspaper, junk mail, tin and aluminum can, glass bottles and jars, plastic bottles (#1 and #2);
- yard waste collection - once per week residential yard trimmings collection in paper bags or reusable containers;
- street sweeping service - approximately 6 times per year for streets with curb and gutter;
- dead animal collection - dead animals are removed from roadways upon request;
- large and bulky material pickup- notice to customers is provided in advance of the pickup date.

Commercial garbage collection service for businesses and multi-family residences is available on a subscription basis from the City or private service providers.

d. Maintenance of Water and Wastewater Facilities. Water and wastewater services will be provided through existing facilities. The facilities will be maintained and operated by the City's Water and Wastewater Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy. Residents will pay inside City water and wastewater rates.

The City has reviewed the area and does not believe there are any lots in the area that are served by septic tanks. However, if there are septic tanks, they are on large lots, in low population density areas. The City will not maintain private sewage (septic) systems.

e. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Transportation and Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares;
- repair maintenance of public streets on as-needed basis.

Currently, there are no public roads in the area. If public streets are constructed and accepted for maintenance by the City, public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition, rideability, age, traffic volume, functional class, and available funding. Any necessary rehabilitation or reconstruction will be considered on a City-wide priority basis.

If necessary, the Transportation Division of the Transportation and Public Works Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory

signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency sign repair.

For major arterials and collectors, the repainting of street markings is on a six to twelve month frequency. All improved intersections and roadways are striped upon improvement. All roadways are restriped and remarked as needed.

There are no existing public street lights in the annexation area.

f. Maintenance of Parks, Playgrounds, and Swimming Pools. There are no public recreation facilities in the area.

g. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

a. Emergency Medical Service. The City Emergency Medical Services (EMS) Department is the current provider of emergency medical services in the annexation area and will continue to provide service following annexation. The closest EMS stations to this area are located 5401 McCarty Lane and 400 Ralph Ablanado Drive.

The AFD also provides emergency first response in the City for EMS on life threatening medical emergencies.

b. Drainage Utility. The Austin Drainage Utility will provide drainage maintenance services in the annexation area in accordance with City policy. Drainage maintenance is a fee-based service. Services provided by the Drainage Utility include:

- detention and water quality pond maintenance (residential only);
- open waterway maintenance;
- storm sewer maintenance;
- watershed development review and inspection;
- emergency spills and pollution complaints response;
- storm sewer discharge pollution prevention (commercial only);
- water quality assessments for creeks;
- underground hazardous materials storage and leak prevention program;
- flood plain office (information relating to flood plains);
- flood early warning system;
- tree preservation review and inspection;
- commercial landscape review and inspection (commercial only).

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c. Library Department. The residents of the annexation area will receive library services from the Austin Library Department. The nearest libraries to this annexation area are the Will Hampton Branch located at 5125 Convict Hill Road and the Manchaca Branch at 5500 Manchaca Road.

d. Austin Health and Human Services Department/Travis County Health Department. The Austin Health and Human Services Department/Travis County Health Department currently provides a wide range of services to this annexation area. Upon annexation, the following additional services will be available from the Department.

- investigation of public health related complaints including water and air pollution, and tall weeds and grass;
- animal control;
- access to community health clinics;
- Medical Assistance Program benefits;
- rodent control consultation.

e. Electric Utility Department. The Electric Utility Department will provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas.

f. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary. Any such construction or acquisition shall begin within two years of the effective date of the annexation and shall be substantially completed within 4 1/2 years after that date.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

a. Police Protection. No capital improvements are necessary at this time to provide Police services.

b. Fire Protection. No capital improvements are necessary at this time to provide Fire services.

c. Emergency Medical Service. No capital improvements are necessary at this time to provide EMS services.

d. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services.

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e. Water and Wastewater Facilities. No capital improvements are necessary at this time to provide water and wastewater service to this area.

Water and wastewater services to new subdivisions will be provided according to the standard policies and procedures of the Water and Wastewater Utility, which may require the developer of a new subdivision to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

f. Roads and Streets. No road or street related capital improvements are necessary at this time. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.

g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.

h. Drainage Utility. No capital improvements are necessary at this time to provide services.

i. Street Lighting. It is anticipated that the developer of new subdivisions in the area will install public street lighting in accordance with the City's standard policies and procedures. In other cases, the City will install public street lighting in the annexation area upon request, with priority given to street lighting for traffic safety. Provision of street lighting will be in accordance with the City's street lighting policies, and those of the providing utility.

j. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.

k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for

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humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY (1997)

The following information is a summary of the Water and Wastewater Utility Service Extension Policy, Chapters 13-1 through 13-3 of the 1992 Austin City Code, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Generally, water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Water and Wastewater Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's Water and Wastewater System and the requested extension otherwise meets the requirements of Chapter 13-3, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches in diameter but less than 18 inches, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees. However, if the tap is purchased within two years of the completion of the line by the City, the impact fee will be waived.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain

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circumstances the Austin Health and Human Services Department/Travis County Health Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.

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